1 2 3 4 5 6 7 8 9 10	DENNIS J. HERRERA, State Bar #139669 City Attorney CHERYL ADAMS, State Bar #164194 Chief Trial Attorney JAMES HANNAWALT, State Bar #139657 Deputy City Attorney Fox Plaza 1390 Market Street, Sixth Floor San Francisco, California 94102-5408 Telephone: (415) 554-3913 Facsimile: (415) 554-3837 E-Mail: james.hannawalt@sfgov.org Attorneys for Defendants CITY AND COUNTY OF SAN FRANCISCO, OFFICER JARED P. HARRIS	
11	UNITED STATES DISTRICT COURT	
12	NORTHERN DISTRICT OF CALIFORNIA	
13	MICHAEL WAYNE GARNER,	Case No. 14-CV-5172-EDL
14	Plaintiff,	STIPULATION REGARDING CCSF COLLECTION OF SFGH BILLS RELATED
15	vs.	TO TREATMENT OF PLAINTIFF'S 11/27/2013 INJURY; [PROPOSED] ORDER
16 17 18 19 20 21 22	CITY AND COUNTY OF SAN FRANCISCO; SAN FRANCISCO POLICE DEPARTMENT; GREGORY P. SUHR, in his capacity as Chief of Police of the San Francisco Police Department; JARED P. HARRIS, individually and in his capacity as a Police Officer for the San Francisco Police Department; Officer SADIKI #803, individually and in his capacity as a Police Officer for the San Francisco Police Department, and Does 1 through 200, Defendants.	, L
23		
24		
25	WHEREAS, the City and County of San Francisco has made a charitable write-off of all	
26	charges for goods and services provided by the City and County of San Francisco at San Francisco	
27	General Hospital in connection with the treatment of Michael Garner for injuries Michael Garner	
•	sustained on November 27, 2013; and	
28	sustained on November 27, 2013; and	

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

WHEREAS the Court has granted Defendants' Motion in Limine 1, ordering that Plaintiff cannot present as an element of economic damages in the trial of this matter the cost of goods and/or services provided by the City and County of San Francisco at San Francisco General Hospital in connection with the treatment of Michael Garner for injuries Michael Garner sustained on November 27, 2013;

IT IS STIPULATED BY AND BETWEEN THE PARTIES to this action, through their respective counsel, that the City and County of San Francisco will not directly or indirectly assert at any time in the future the right to payment for the goods and services provided by the City and County of San Francisco at San Francisco General Hospital in connection with the treatment of Michael Garner for injuries Michael Garner sustained on November 27, 2013. Nor will the City and County of San Francisco seek recovery of any City or County tax against Mr. Garner in connection with the treatment of Michael Garner for injuries Michael Garner sustained on November 27, 2013. This stipulation does not address any other debts or obligations plaintiff Michael Garner may have with regard to the City and County of San Francisco.

Further, as this stipulation is being entered only as a result of the Court's ruling against Plaintiff regarding what the Plaintiff respectfully believes to be an erroneous misinterpretation of the "Collateral Source Rule," it is understood and agreed by the Parties and the Court that this stipulation in no way waives Plaintiff's right to appeal the Court's ruling on Defendant's Motion in Limine 1.

IT IS SO STIPULATED.

Dated: July 15, 2016

DENNIS J. HERRERA City Attorney CHERYL ADAMS Chief Trial Deputy JAMES HANNAWALT Deputy City Attorney

By: /s/ James Hannawalt
JAMES HANNAWALT
Attorneys for Defendants
CITY AND COUNTY OF SAN FRANCISCO,
OFFICER JARED P. HARRIS,

28

27

Case 3:14-cv-05172-EDL Document 118 Filed 07/26/16 Page 3 of 4

Dated: July 25, 2016 Law Offices of James F. Costello By: /s/ James F. Costello JAMES F. COSTELLO Attorney for Plaintiff MICHAEL GARNER

[PROPOSED] ORDER

Based on the above stipulation, and for good cause appearing, the Court orders as follows:

City and County of San Francisco may not directly or indirectly assert at any time in the future the right to payment for the goods and services provided by the City and County of San Francisco at San Francisco General Hospital in connection with the treatment of Michael Garner for injuries Michael Garner sustained on November 27, 2013. This order does not address any other debts or obligations Michael Garner may have with regard to the City and County of San Francisco. The court will retain jurisdiction to enforce this order. Further, this Order will in no way be construed to limit Plaintiff's right to appeal with respect to this Court's ruling on Defendant's Motion in Limine 1, relating to the so called "Collateral Source Rule."

IT IS SO ORDERED

Dated: July 26, 2016

Hon. Magistrate Judge Elizabeth D. Laporte United States Magistrate Judge